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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,484	12/12/2001	James Rist	FBRIC20.001AUS	6786
20995 7590 02/20/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER HOEL, MATTHEW D	
			ART UNIT 3714	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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NT

<b>Office Action Summary</b>	<b>Application No.</b> 10/020,484	<b>Applicant(s)</b> RIST, JAMES	
	<b>Examiner</b> Matthew D. Hoel	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-25, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 26 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

2. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

4. Determining the scope and contents of the prior art.
5. Ascertaining the differences between the prior art and the claims at issue.
6. Resolving the level of ordinary skill in the pertinent art.
7. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1 to 7, 11, and 19 to 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hand (U.S. pre-grant publication 2002/0125627 A1, application 09/804,333) in view of Bell (U.S. patent 6,722,487 B1).

9. As to Claim 1: '627 discloses all of the elements of Claim 1, but lacks specificity as to a bill acceptance rate dropping below a predetermined threshold. '627 teaches a receiving zone for receiving a bill (Fig. 2). '627 has a sensing device at an input region of the receiving zone for sensing at least one characteristic of the bill (Para. 17). '627 has a controller in communication with the receiving device for receiving an output signal from the receiving device (Para. 14). '627 has an annunciator controlled by the

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controller to be activated when an error occurs, the annunciator being arranged in the receiving zone (Fig. 2). '487, however, teaches a bill acceptance rate of a controller dropping below a predetermined threshold (acceptance rate for valid currency falling below 100%, causing the bill acceptor to move to the restricted acceptance range, Col. 3, Lines 48 to 60). '487 teaches the controller inducing the bill acceptor to accept or reject the bill received of the receiving zone dependent of the output signal, the controller monitoring over a plurality of bill insertions a bill acceptance rate of the bill acceptor (for example, see '487, 3:19-47, when the acceptance rate falls below a threshold, indicating either a large number of bad or fraudulent bills, '487 uses a narrower set of acceptance criteria, resulting in fewer rejections, namely, fewer worn or fraudulent bills getting into the machine, the narrower criteria are thus used to accept or reject bills). It would be obvious to one of ordinary skill in the art to apply the predetermined threshold of '487 to the bill acceptor of '627. '627 has counterfeit bill, service, diagnostic, and machine service indicators (Para. 21). '627 uses optical and magnetic sensors for determining the validity of inserted bills (Para. 17), as does '487 (Col. 9, Line 58 to Col. 10, Line 20). '627 stores data relating to a range of acceptable readings for authentic notes (Para. 17), like '487 (Col. 3, Lines 19 to 47). '627 describes the use of a diagnostic mode to determine the correct value of the bill most recently inserted into the machine in the event of a dispute with a player (Para. 3). This diagnostic mode could be used in conjunction with the acceptance thresholds of '487 and known valid currency—an abnormal acceptance rate with known valid currency would indicate something is wrong with the machine. The advantage of this

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combination would be to enhance the machine's reliability by using the diagnostic mode for monitoring and troubleshooting purposes.

10. As to Claim 2: The receiving zone of '627 incorporates a platen on which the bill is received and a slot at an end of the platen into which the bill is to be inserted (Figs. 2, 3; runway surface 34, Para. 17).

11. As to Claim 3: The sensing device of '627 is arranged inwardly of the slot (Para. 17).

12. As to Claim 4: '627 senses optical characteristics of the bill (Para. 17).

13. As to Claim 5: The receiving zone of '627 includes an indicator for indicating to a patron where the bill is to be inserted into the slot (Fig. 2).

14. As to Claim 6: The indicator of '627 comprises an array of illuminating elements arranged in the platen of the receiving zone (Fig. 3).

15. As to Claim 7: The illuminating elements of '627 function as the annunciator (Fig. 3, Para. 21).

16. As to Claim 11: '627 teaches a method of operating a bill acceptor of a gaming machine (Para. 5 to 9). '627 senses at least one characteristic of each of a plurality of bills inserted into the bill acceptor (Para. 17, plural bills inserted, Para. 15). '487 teaches monitoring at least one sensed characteristic for a decision whether to accept or reject an inserted bill and monitoring a bill acceptance rate of the bill acceptor over a plurality of bill insertions (Col. 3, Lines 19 to 47). '627 teaches activating an annunciator arranged in a receiving zone of the bill acceptor in the event of an error (Para. 21). '487

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teaches an error in the form of the bill acceptance rate over a plurality of insertions falling below a predetermined threshold (Col. 3, Lines 19 to 61).

17. As to Claim 19: '627 teaches a gaming machine (Para. 14). '627 teaches a bill acceptor for receiving bills tendered, the bill acceptor comprising a sensor for evaluating each inserted bill after it has been inserted in the bill acceptor and outputting a signal which is used by the gaming machine to determine whether to accept or reject that bill (Para. 17, bill returned if not validated, Para. 18). '627 teaches annunciators on the bezel of the bill acceptor (Fig. 3). '487 teaches computing a bill acceptance rate and determining when the computed bill acceptance rate falls below a predefined value, the bill acceptor continuing to receive and evaluate each inserted bill regardless of the value of the computed bill acceptance rate (Col. 3, Lines 19 to 47). '487, does not however, teach a first counter counting each time a bill has been inserted into a bill acceptor, and a second counter counting each time a bill has been rejected from the bill acceptor. '487, however, does teach a counter that counts the number,  $n$ , of true checks (checks can be either coins or bills) that have been inserted and another counter,  $p$ , that counts the number of false checks that have been inserted. The total number of checks (coins or bills as the case may be) that have been inserted can be determined by summing the value of the two counters (registers). Conversely, if '487 has two registers, one for the total numbers of insertions and one for the total number of fraudulent insertions as claimed, the total number of non-fraudulent insertions could be easily determined by subtracting the value of fraudulent insertions from the number of total insertions. The applicant has not stated that counting the having two separate registers for truthful and

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fraudulent insertions versus having two separate registers for total and fraudulent insertions solves any problem or is for any particular purpose. The applicant's selection of registers gives the invention no particular advantage pertaining to the claim language as the calculation can be made either way. Moreover, it appears that '487, or the applicant's invention would function just as well modified to have one register measuring the total number of insertions and another register measuring the fraudulent number of insertions. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified '487 to have the total insertion register and fraudulent insertion register as claimed because such a modification would have been considered a mere design consideration which fails to patentably distinguish above the 103 combination of '627 and '487 outlined in the rejection of Claim 1.

18. As to Claim 20: '627 teaches the annunciator being arranged in an area of the bill acceptor that receives bills and is visible external of the gaming machine (Fig. 3).

19. As to Claims 21 to 23: These claims pertain to the bill acceptor having rejection rates of 10%, 20%, and 30%. These new limitations are supported by Pages 2 and 3 of the applicant's specification. The applicant has not stated the purpose of these rejection rates. Do they have to do with the weight or texture of the bills' paper, or the color of the bills' ink, or the authenticity of the patterns on the bills, or the amount of tearing of the bills? The applicant also does not say whether these rejection rates pertain to specific nations' currencies or specific denominations or if they pertain to visual, infrared, or magnetic, etc., sensors. The applicant merely states on Page 2 of

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the specification that these limits can be set by the operator. They are presumably set empirically without any analysis as to why they should be set at these rejection rates. It appears that '487, or the applicant's invention would perform equally well for their intended purposes when set to these rejection rates. Accordingly, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have set the rejection rates of '487 to 10%, 20%, or 30% as these rejection rates are mere design choices that have no patentable weight over '487's specification.

20. As to Claim 24: '487 teaches in 3:48 to 61 that the bill acceptor is responsive to each subsequent fraudulent attempt and that each subsequent attempt triggers the restricted acceptance range, essentially resetting the number of times until the normal restricted range each time there is a subsequent fraudulent attempt during the countdown period of the restricted acceptance range.

21. Claims 8, 9, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over '627 and '487 in view of Jones, et al. (U.S. patent 5,836,818 A).

22. As to Claim 8: The combination of '627 and '487 discloses all of the elements of Claim 8, but lacks specificity as to the controller causing the array of illuminating elements to be illuminated in a predetermined, first pattern and the annunciator being implemented in the form of an illumination of the illuminating elements in a second different patter. '818, however, teaches the array of elements being illuminated in a predetermined, first pattern (Abst.; Col. 5, Lines 52 to 61; Col. 7, Lines 2 to 7). '818 also teaches the annunciator of an error condition being implemented in the form of an

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illumination of the illuminating elements in a second, different pattern (Col. 6, Lines 16 to 20). It would be obvious to one of ordinary skill in the art to apply the predetermined, first pattern and the second, different pattern of '818 to the combination of '627 and '487. '818 is meant to be used with paper currency (Col. 1, Lines 58 to 67), like '627 and '487. '818 has a first flashing pattern to attract the interests of players to the game (Abst.; Col. 5, Lines 56 to 61), like '627 (Para. 4). '818 is able to give a visual indication of an error state (Col. 6, Lines 15 to 20), like '627 (Para. 21). The advantage of this combination would be to provide an unobtrusive visual indication of an error condition with the gaming machine that would not be noticed by the player.

23. As to Claim 9: '818 teaches a second pattern being activated after completion of the first pattern in the event of an error (Col. 6, Lines 16 to 20). '487 teaches an error condition in which the bill acceptance rate falls below a predetermined threshold (Col. 3, Lines 48 to 60).

24. As to Claim 12: '818 teaches energizing illuminating elements of the bill acceptor in a predetermined pattern and, in the event of an error, energizing the illuminating elements in a second, different pattern, the second pattern of illumination of the illuminating elements serving as the annunciator (Col. 5, Lines 78 to 61; Col. 6, Lines 16 to 20). '487 teaches an error in the form of the bill acceptance rate falling below a predetermined threshold (Col. 3, Lines 19 to 61).

25. As to Claim 13: In '818, the second pattern of illumination of the illuminating elements follows completion of the first pattern (error message 400, Fig. 4; Col. 6, Lines 16 to 20).

26. Claims 10, 14 to 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over '627, '487, and '818 in view of Weiss (U.S. patent 5,611,730 A).

27. As to Claim 10: The combination of '627, '487, and '818 discloses all of the elements of Claim 10, but lacks specificity as to the network monitoring system monitoring the controller for errors. '627 teaches the controller being connected to a network (Para. 14). '487 teaches monitoring the acceptance rate of bills by the controller (Col. 3, Lines 48 to 61). '818 teaches activating an alarm in the event of a system error (Col. 6, Lines 15 to 20). '730, however, teaches a network monitoring system monitoring the controller for errors (failure and repair codes, Fig. 5; Col. 14, Line 10 to Col. 15, Line 13). It would be obvious to one of ordinary skill in the art to apply the network monitoring system of '730 to the combination of '627, '487, and '818. '627 teaches a network monitoring system that monitors the performance and operation of the CPU of each gaming machine (Para. 14). '730 provides for centralized monitoring for tampering activity (Col. 16, Lines 1 to 10), like that detected and prevented by the system of '487 (Col. 3, Lines 19 to 61). The advantages of this combination would be to enhance the security of the gaming system by central monitoring and to enhance the reliability of the gaming system by providing central dispatching of maintenance technicians in the event of a system error.

28. As to Claim 14: '730 teaches transmitting a signal on a network to which a gaming machine is connected to a network monitoring system to activate an alarm in

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the event of an error (monitor for error conditions, Col. 14, Lines 10 to 32; technicians paged, Col. 14, Line 64 to Col. 15, Line 12).

29. As to Claim 15: '627 teaches a gaming machine network comprising a plurality of gaming machines wherein each gaming machine includes a bill acceptor that has a receiving zone for receiving tendered bills and an annunciator arranged in the receiving zone in the event of an error (Fig. 3, Para. 14, 21). '487 teaches an error in which a bill acceptance rate drops below a predetermined threshold (Col. 3, Lines 19 to 61). The gaming machine network of '730 receives signals from the gaming machine so as to be able to ascertain error conditions in need of repair (Col. 14, Lines 10 to 32). '627 teaches error signals from the sensing device of a bill acceptor (Para. 21, Fig. 3). '627 has a sensing device at an input region of the receiving zone for sensing at least one characteristic of the bill (Para. 17). '487 teaches ascertaining a bill acceptance rate (Col. 3, Lines 19 to 61). '487 teaches the controller inducing the bill acceptor to accept or reject the bill received of the receiving zone dependent of the output signal, the controller monitoring over a plurality of bill insertions a bill acceptance rate of the bill acceptor (for example, see '487, 3:19-47, when the acceptance rate falls below a threshold, indicating either a large number of bad or fraudulent bills, '487 uses a narrower set of acceptance criteria, resulting in fewer rejections, namely, fewer worn or fraudulent bills getting into the machine, the narrower criteria are thus used to accept or reject bills).

30. As to Claim 16: '627 teaches each of a plurality of gaming machines including a controller that is in communication with the sensing device and wherein the controller

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determines an error condition (Para. 14, 21). '487 teaches an error condition in the form of a bill acceptance rate of the tendered bills (Col. 3, Lines 19 to 61). '730 teaches communicating the error condition to the gaming machine network (Col. 14, Lines 10 to 32).

31. As to Claim 18: '627 provides an annunciator at each of the gaming machines (Fig. 3, Para. 14, 21).

32. Claims 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over '627 and '487 in view of Winters (provisional application 60/337,409, published as U.S. patent 7,014,029 B2/pre-grant publication 2003/0111316 A1).

33. As to Claim 25: The 103 combination of '627 and '487 discloses all of the limitations of Claim 25, but lacks specificity as to communicating the bill acceptance rate to the network interface for communication onto a network. Winters, however, on Pages 3 and 4 discloses a fraudulent transaction of a person feeding fraudulent coins into the machine, resulting in a higher rejection rate, and the rejection rate being reported over the network via phone lines. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have this reporting of the rejection rate over a network to the 103 combination of '627 and '487 outlined regarding Claim 1. '627 teaches in Para. 14 that the gaming machine may be in communication over a network regarding any current malfunctions. As outlined in the rejection of Claim 1, the rate-of-rejection monitoring of '487 could be used to detect a flaw in the bill

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acceptor's sensors or related electronics in the event that known good bills were being inserted into the machine and the high rejection rates were being detected anyway.

This is clearly a fault that should be reported to maintenance personnel. The advantage of this combination would be to report all possible gaming machine faults to maintenance personnel for prompt attention.

34. As to Claim 27: The discussion of Claim 19 is incorporated herein as these limitations have already been addressed. '409 teaches in Fig. 1 monitoring a bill acceptance rate of the bill acceptor, the bill acceptance rate being computed depending on the cumulative value of both the counters and updated following each bill insertion. The 103 combination of '627 and '487 automatically activates an annunciator, and continues to operate the annunciator for the duration that the bill acceptance rate is below the predetermined threshold as established in the rejection of Claim 1, as the counterfeit bill light 56 ('627, Fig. 3) would only be on while the threshold is below the acceptable level ('487, 3:19-61).

35. As to Claim 28: '627 teaches activating an annunciator comprising activating a visual indicator located in a bill receiving zone of the bill acceptor (Fig. 3).

#### ***Allowable Subject Matter***

36. Claims 26 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims cite evaluating each subsequent bill using the same criteria regardless of the current computed bill

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acceptance rate. This is contrary to '487 and would actually create a device with poorer performance as the stricter criteria are not being used at the times that the likelihood of fraudulent bills is the highest. Such a modification would not be obvious in light of '487.

### ***Claim Objections***

37. Claim 15 is objected to because of the following informalities: Claim 15 cites "machine networks" in the sixth line. The examiner believes the applicant intends to cite "machine network". Appropriate correction is required.

### ***Response to Arguments***

38. The previous objection to Claim 1 is withdrawn.

39. Applicant's arguments filed 12-4-2006 have been fully considered but they are not persuasive. '487 is concerned with bill acceptance rates. The restricted acceptance range is invoked when, during the normal acceptance range, a high level of rejections is detected, indicating a probability of worn-out or fraudulent bills (3:19-61). '627 determines bill validity and returns the bill if it is not valid (Para. 16, 18). '627 also teaches a counterfeit bill indicator (56, Fig. 3, Para. 21). The examiner discussed in the rejection of Claim 1, how the bill rejection rate feature of '487 could be used to detect hardware problems with the bill acceptor if known good bills were causing high bill rejection rates in the bill acceptor. '487 teaches its method being used to accept or reject bills in a similar manner to '627 based on whether they are valid or not (Fig. 4). '487 discusses a period of time elapsing, during which if there are no further fraudulent

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attempts, the bill acceptor goes back to the normal acceptance range and the period for the restricted acceptance range's time period being reset if there are any fraudulent attempts during the restricted acceptance range's time period ('487 3:48-61). One of ordinary skill in the art would be motivated to set this period long enough to discourage any individuals who intend to remain at the machine in the hopes the restricted period would expire soon (see also '487 7:8-28 and 7:55-65). The applicant also mentioned that the machine's rejection of the bill might cause the player to go to another gaming device and try again. Both '627 (Para. 16 and 18) and '487 (Fig. 4) return bad bills to players whether they are actually fraudulent bills or just plain worn out. Neither reference makes this determination, simply returning the bad bills. With either reference, an attentive player would know that there is either something wrong with the machine or the bills being inserted into it. The references thus would not teach away from combination on this account. It is widely known that players, or purchasers at vending machines, will try to use crisper bills if old ones are worn out and not accepted by the machine. The examiner respectfully disagrees with the applicant as to the claims' condition for allowance.

### ***Conclusion***

40. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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41. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Hoel whose telephone number is (571) 272-5961. The examiner can normally be reached on Mon. to Fri., 8:00 A.M. to 4:30 P.M.

43. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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44. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew D. Hoel, Patent Examiner  
AU 3714

 2/2/07

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